UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.84
30 September 1993

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 84th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 24 September 1993, at 3 p.m.

Chairperson: Mrs. BADRAN

CONTENTS

Consideration of reports submitted by States parties under article 44 of the Convention (continued)

Report of Peru (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-18596 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Report of Peru (continued) (CRC/C/3/Add.7)

1. The CHAIRPERSON invited the members of the Committee to put questions to the delegation of Peru.

2. Mr. KOLOSOV asked how many teachers in Peru were capable of teaching local languages, how many more were required and what were the prospects of having a sufficient number of them? Second, he asked how much a teacher earned in comparison with the average income of the Peruvian population. Third, he asked whether there were any tax benefits for persons sponsoring schools or whether schools organized workshops in order to produce items for sale. Fourth, in the light of the scarcity of school libraries, especially in remote and mountainous areas, was there any system of voluntary collection of books? Fifth, in the context of possible corruption among personnel working with children, did any monitoring system or preventive measures exist?

3. Mrs. BELEMBAOGO, thanking the delegation of Peru for the considerable amount of administrative and legislative information it had provided, said that she would welcome further information on the impact of programmes and projects among the child population. It would be useful for the Committee to have further information on any procedures for monitoring specialized institutions caring for children and on the degree to which such institutions offered prospects for the future and for reintegration into society for the children concerned. Referring to paragraph 54 of the report (CRC/C/3/Add.7), she asked whether protection from financial, physical and moral abandonment was not an objective rather than an existing guarantee, as the formulation of the statement seemed to suggest. Concerning adoption, she noted that paragraph 55 of the report referred only to full adoption; was any other form of adoption, whereby the child might retain his affiliation of origin, possible?

4. Mrs. SANTOS PAIS thanked the delegation for the additional information brought to the attention of the Committee, while regretting that it could not have been made available somewhat sooner. Earlier availability of the information would have made it possible for the Committee to have a better in-depth understanding of the degree to which the rights of the child were enjoyed by children in Peru. She expressed concern at the level of violence which seemed to prevail both within the family and within society in Peru and which only preventive measures could counteract. There was obviously an urgent need to campaign for peace, tolerance and respect for human dignity.

5. Concerning the question of children in institutions and abandoned children in Peru, the high number of the latter - reported in the National Plan of Action for Children to be 6,000 in 1985 - gave rise for concern, and pointed to an urgent need to adopt a new approach or at least to strengthen existing measures. It was encouraging to note that the Office of the Public Defender had recently been established to monitor the situation of children in both public and private institutions and that the Office could also submit

complaints in the event of non-compliance or of illegal acts committed against children. At the same time, however, both the Convention and the Minors' and Adolescents' Code recognized the economic and social rights of the child. In a country where a third of the population lived in a situation of extreme poverty, with serious problems of nutrition, education and health, what action could the Office take when such basic rights of the child were not being observed and what could it or other authorities do to ensure that sufficient budgetary allocation was made for children in institutions?

6. Mrs. EUFEMIO, noting that there were reports of an increase in cases of incest, asked what action was being taken to counteract that trend. Bearing in mind the tendency in some societies to conceal disability within the family due to ignorance or for fear of social stigma, she asked what approach was being adopted in Peru to disabled children. Noting the goals in relation to education and health of the National Plan of Action for Children, she asked whether any relevant statistics had been obtained for 1992.

7. Miss MASON, referring to her earlier question on culture and traditions within Peruvian society and to the delegation's reply, explained that the purpose of her question had been to help to gauge the extent to which such trends interacted with implementation of the Convention. Concerning the institution of the family, the child's right to a family - which included a father - was enshrined in both the Convention and the Code. In the audiovisual presentation made at the previous meeting, however, the father had been conspicuously absent, whereas the role of the mother had been very apparent. Moreover the delegation of Peru had made reference to the absence of a feeling of paternal responsibility. Did the father have obligations to the child other than purely financial ones and was there any requirement for him to maintain a relationship other than a financial one with his child? Where a father failed to assume responsibility for a child, what was the extent of the State's responsibility to ensure maintenance?

8. Could the success of health and education programmes be measured and what proportion of the population benefited from them? Concerning adoption, how was the three-year follow-up requirement guaranteed, especially in cases of intercountry adoption, and what steps could be taken in the event of a negative report on an adopted family? In the context of abortion, mentioned in the National Plan of Action for Children as a method of family planning, what steps were being taken to ensure that women were educated about the risks of abortion and were statistics available on the number of abortions performed and on the proportion of legal and illegal abortions? Concerning the Office of the Public Defender, did a child have the possibility of bringing incidents of abuse or ill-treatment directly to the Public Defender's notice or must cases be relayed through a parent or guardian or other organization. Lastly, referring to paragraph 50 of the report, she requested clarification of the principle of parental authority, especially in relation to the authority given to chastise with moderation and of other aspects of parental authority subsequently listed in the same paragraph.

9. Mrs. NINAMANGO DE YOSHIMOTO (Peru) said that, as the National Plan of Action for Children had only been approved late in 1992, statistics were not yet available. There was none the less an awareness that much remained to be

done on behalf of children in Peru, that the number of abandoned children was a matter for concern, and that there was a need to educate fathers about their paternal role.

10. Mrs. BARRANTES TAKATA (Peru) said that the statistics requested by Mr. Kolosov on the number of teachers capable of teaching in local languages were not available. Throughout the whole education system, there were some 380,000 teachers, of whom 280,000 worked in State schools. The average salary of a teacher working at primary or secondary level in a State school was US$ 100. It was estimated that an amount of US$ 300 in Lima and US$ 200 in the provinces was necessary to meet a person's living expenses; that meant that teachers often sought additional sources of income, including in the informal sector, which inevitably prevented them from devoting time not spent in actual teaching to further training. Concerning school workshops and bearing in mind the long tradition of communal effort in Peru, it was usual for local communities to support schools by organizing sales of products and by providing labour to improve the school infrastructure. No nationwide system existed to collect books for school libraries, although efforts were certainly made on a small scale. There was no evidence of an underlying tendency towards corruption among personnel working with children. However, in that respect, the Committee might wish to take note that in a context of overall renewal, 80 per cent of the personnel involved in the National Family Welfare Institute, including those in administration, was to be renewed shortly on the basis of an open competition.

11. In reply to the comments made by Mrs. Santos Pais, the problem of violence was a source of great concern, although it must be taken into account that the question of peace was closely interrelated with that of resolving current terrorist violence. Domestic violence tended to be hidden and efforts were being made to deal with the problem, albeit discreetly. The problem of machismo and the place of the father within the family was a very real problem, given the polarized roles of men and women in Peru. Before an educational approach could be adopted to the problem, there must first be an evolution and change of attitude among teaching staff.

12. It was estimated that only some 250 children were currently in institutions. However, that did not mean the problem had been satisfactorily resolved. The role of the Public Defender should be placed in the context of the State's increased willingness to seek new approaches and solutions, whereby principals of education institutions were encouraged to coordinate more closely with other social bodies concerned with children and areas relating to their fundamental rights. Efforts were being made to obtain more financial resources. It was hoped that relevant statistics for 1992 would be available in the months ahead in order to facilitate the evaluation procedure.

13. Although the problem of incest and sexual abuse was broached in the Minors' and Adolescents' Code, further consideration of the issue was required. The existing machinery for bringing complaints might indeed be extended further. Figures relating to disabled children were not available; current activities were limited mainly to pilot projects and not yet widespread.

14. Mrs. GONZALES DE SAENZ (Peru) said that since 1984, Peruvian legislation only recognized full adoption, which was irrevocable, because the new family ties that were created must be solid. Monitoring took place later, and regular reports were required. If a father mistreated a child, the child could be removed from custody. Adoption by a Peruvian was easier to handle; in the event of a child being adopted to live in a foreign country, the latter must guarantee the child's well-being, and that presupposed the existence of a bilateral agreement or the authorization of the country in question.

15. She reported to the Committee on the recently instituted system of "defenders of minors". There were currently 11 municipalities with such "defenders", to whom children could turn to ensure that their rights were respected. The institution worked closely with judges and public prosecutors.

16. Concerning the question of the role of the father in the family, the prejudice persisted that child rearing and housework were activities for which the mother was responsible. The problem was one of tradition. Under Peruvian legislation if parents did not meet their obligations towards their children, they could lose parental authority and even be subject to penal sanctions, and the children could be placed in a foster home.

17. The CHAIRPERSON asked the delegation of Peru to reply to the questions in the section on special protection measures, which read as follows:

"Special protection measures

a. Children in situations of emergency
(Arts. 22, 38 and 39 of the Convention)

1. To what extent is the Government's policy towards refugee and displaced children consistent with the principles of non-discrimination, best interests of the child, the right to life, survival and development and respect for the views of the child? What comprehensive measures are envisaged to solve the problems of displaced children?

2. What steps are taken to protect children from being victimized during counter-insurgency activities?

3. What concrete measures have been taken for the implementation of article 39?

b. Children in conflict with the law
(Arts. 37, 39 and 40 of the Convention)

4. Please provide detailed information on the system of administration of juvenile justice and on the situation of children in conflict with the law and, in particular, on the following questions:

- The prohibition of unlawful or arbitrary deprivation of liberty;

- Arrest, detention or imprisonment as a measure of last resort and for the shortest possible period of time;

- The number of children deprived of their liberty and the reasons why;

- The possibility of prompt access to legal and other assistance and of challenging the legality of the deprivation of liberty before a court or other competent, independent and impartial authority;

- Special education of judges for cases involving children;

- Measures taken to implement article 40 of the Convention.

5. Please provide information on the implications of Decree Law 25,564, including on the compatibility of that law with the provisions of the Convention, on the number of cases involving children dealt with under that Decree Law and on the treatment of those sentenced.

6. Please also provide further information on the treatment of young law offenders and, in particular, on the following questions:

- What types of institutions exist for the custody of young law offenders and what specific official rules are there for their treatment?

- What opportunities are there for contact with families?

- How are the conditions in such institutions monitored?

- Are there complaint procedures in cases of ill-treatment?

- What education and health facilities are there in these institutions?

- What is the composition and educational background of the personnel in these institutions? To what extent have they received training about the provisions of the Convention and about international rules concerning the treatment of young offenders?

c. Children in situations of exploitation
(Arts. 32, 33, 34, 35, 36 and 39 of the Convention)

7. Has the new Minors' Code (Legislative Decree No. 26,102) been modified to be brought into conformity with the International Labour Conventions ratified by Peru? This refers to articles 19, 22, 40, 48 and 54 of the legislation promulgated on 29 December 1992.

8. What are the final recommendations of the Multisectoral Committee (set up by Ministerial Resolution No. 275-90-PCM of 26 June 1990) concerning the children and young persons who work in the Madre de Dios gold-mines and washeries and are any measures foreseen to implement these recommendations?

9. What are the measures taken or envisaged by the Government to prevent the exploitation of children working as domestics?

10. Please also indicate measures taken or planned to combat drug abuse and sexual exploitation of children."

18. Mrs. BARRANTES TAKATA (Peru), replying to question 1, said that the problem of the 600,000 internally displaced persons in Peru, must be seen in the context of Peru's current crisis.

19. There were two types of displaced person: those who fled into the forest, and those who went to the country's peripheral urban centres. One of the problems was that displaced persons dispersed and were reluctant to identify themselves for fear of reprisals. In some villages there were only women and children left, because the men were away fighting or had been killed or captured by the terrorists. Children then often fled to the departmental capital so as not to be caught up in the conflict.

20. Although Peru did not have a national policy on displaced persons, a number of activities were being carried out, and requests had been made for international technical assistance in that regard; a comprehensive strategy was in preparation. The national food programme worked to provide displaced persons with food, health care, schooling and community facilities. Public opinion in Peru had become aware of the problem following the recent massacre by terrorists of displaced Asháninka children, and resources had been mobilized to help the survivors.

21. The Committee on the Rights of the Child could play a role in alerting the international community to the problem of children affected by violence, who did not benefit from any international legislation or programmes. The international community might offer its technical experience in assisting displaced persons and might make economic resources available to carry out aid programmes for them.

22. Turning to question 2, she said that the situation of civilians, affected by counter-insurgency activities had improved. Efforts were being made to train persons involved in counter-insurgency activities and to heighten their awareness of human rights. Members of the armed forces must be acquainted with children's rights. She noted that children were often recruited by terrorist groups against their will. They were forced to provide logistic support, and sometimes used as cannon fodder or for suicide missions in urban centres.

23. Moving on to question 3, she said that the Minors' and Adolescents' Code had established the obligation for the Government to institute programmes to protect and assist children. Although activities had been undertaken to provide schooling and basic health care, to work with mothers and to help the children of displaced persons, a national strategy still did not exist.

24. Mrs. GONZALES DE SAENZ (Peru), replying to questions 4 and 6, said that the Minors' and Adolescents' Code recognized the right of children in conflict with the law to be tried in special courts. Currently, there were 27 juvenile courts, admittedly too few. A Family Court had also been established to hear cases involving juvenile defendants. No child or adolescent could be detained except on the basis of a writ or if caught in flagrante delicto. In the past, children had often been detained for unlimited periods, but that practice had

ceased. Children could avail themselves of the right of habeas corpus after 24 hours in detention if they had not had recourse to a lawyer or been informed of the charges against them. Under the Minors' and Adolescents' Code, minors who committed offences were entitled to counsel. Children could only be brought before a judge in the presence of parents, guardians or a lawyer. Children's attorneys monitored children's rights. When children were detained, they were held separately from adult offenders. Article 255 of the Code specifically defined the rights of detained children and adolescents. Detained minors could attend training courses, were given medical care, could take recreation, and had the right to receive two visits per week; that was a vast improvement over the previous policy of two visits per month. Visiting rights could no longer be suspended if the child misbehaved. The "defenders of minors" and children's judges both monitored implementation of the above-mentioned rights. The Code also provided for special procedures to ensure compliance and to denounce violations of children's rights.

25. In answer to question 5, she said that in the view of her delegation, Decree Law No. 25,564 was compatible with the provisions of the Convention on the Rights of the Child. The Decree Law, which must be understood in the context of the crisis that Peru was facing, provided that children tried for terrorist activities must be detained separately from adults and must be treated well. Children convicted of committing terrorist activities could not receive life sentences. Currently, 55 children were awaiting trial on charges of involvement in terrorism. She had no information on sentencing, but according to unconfirmed reports, three children had been sentenced for such activities. The predicament of juvenile terrorists required a national policy, which her delegation hoped would be defined in the future. Since the adoption of the Minors' and Adolescents' Code, all institutions in which young offenders were detained were required to have a multi-disciplinary team of social workers, doctors and pedagogical experts to attend to their needs and to work towards full rehabilitation.

26. Mrs. BARRANTES TAKATA (Peru) noted that 80 per cent of the personnel in such institutions were being replaced, because their training was no longer regarded as adequate. Workshops had been instituted for staff members to familiarize them with the Constitution and to heighten their awareness for children's rights.

27. Mrs. GONZALEZ DE SAENZ (Peru), addressing question 7, said that the new Minors' and Adolescents' Code was in conformity with the relevant International Labour Conventions with regard to working children and young persons. The Code stipulated that the State must provide programmes to guarantee that those children continued to have access to schooling. The Code recognized the right of young people to work, to be eligible for social security and to receive the same income as adults. Article 54 (b) and (c) of the Code placed limits on certain activities, but not upon the maritime or the construction sectors, as covered by the relevant ILO Conventions. Peru intended to include those activities, but must also take into account the hard facts of the situation in the country.

28. Answering question 9, she said that domestics were also covered in the Code so as to prevent their being abused. Anyone employing a young person as a domestic must register with the municipality, which was responsible for supervising that young person's activities.

29. Mr. HAMMARBERG said that the general impression he had gathered from the discussion, the report and other documents was that there were many competent and hardworking officials committed to the rights of the child in Peru but that they were up against other officials, driven by international agencies, whose sole mission was to push through economic reform at all costs. The security forces were a third powerful group in a society riven by political violence. Parts of the country were placed under military administration during states of emergency and information concerning judicial functions performed by the military was hard to come by. There had been reports of extrajudicial executions, disappearances and torture, in some cases involving young people. Criminal liability for terrorist acts had been extended to 15-year-olds. He stressed that there could be no derogation from the rights of the child, even on grounds of national security. What was civil society doing under those circumstances to ensure that the rights of the child were protected?

30. He considered that higher priority should also be given to the problem of displaced persons. People who had left their homes for either economic or political reasons drifted into shanty towns where the social conditions were dire and which were often the breeding-ground for child prostitution, drug abuse and other criminal activities. Preventive social work in those communities and improvement of the conditions of daily life should be a top priority of government policy.

31. With regard to exploitation, he noted that the International Labour Organisation (ILO) had reservations regarding Peru's compliance with certain provisions of its conventions regarding children's work.

32. Mr KOLOSOV asked for clarification of article 209 of the Minors' and Adolescents' Code, which seemed to admit the possibility of deprivation of liberty for children under 12; that would be a retrograde step from the previous legislation.

33. Paragraph 66 of the report stated that it was an offence to encourage the prostitution of a person under 14 years of age. Did that mean that incitement to prostitution of persons above that age was not an offence?

34. Mrs SANTOS PAIS commended the establishment of a special system for the administration of justice for juveniles, including special judges and attorneys for children and adolescents. The attorneys, she noted, had free access to any place where a violation of children's rights was said to have occurred and were authorized to intervene ex officio to protect those rights. She was disturbed, however, by the fact that children found without documents in the house-to-house searches commissioned by the authorities were frequently presented in the media as terrorist suspects. The basic principle of presumption of innocence was violated and children were saddled with a criminal record that might adversely affect their future. In addition, if they were over the age of 15, they no longer qualified for protection under

the special legal system instituted by the Code: no special attorneys, no habeas corpus even where there was a presumption of torture and heavier penalties.

35. She noted with concern that the death penalty was contemplated for terr[illegible]sm under the new Constitution. If persons over 15 were being treated as ad[illegible]ts, they might also be subject to the death penalty in contravention of article 37 of the Convention on the Rights of the Child.

36. The CHAIRPERSON invited the delegation of Peru to respond to the questions raised by the Committee.

37. Mrs. GONZALES DE SAENZ (Peru), replying to Mr. Kolosov, said that article 209 of the Code did not imply that a child under the age of 12 could be deprived of liberty. It referred to a form of custody that might be undertaken for protective or socio-economic reasons but not for correctional purposes. Adolescents could be taken into custody for correctional purposes but only after due process.

38. Subjection of a child or adolescent to prostitution was one of the grounds for withdrawal of parental rights, also in the case of children over the age of 14.

39. In reply to Mrs. Santos Pais, she said that even if the death penalty were introduced for terrorists, it would not be applied to adolescents under the age of 18 because the Convention took precedence over all other legislation. Furthermore, adolescents could not be sentenced to life imprisonment, even for terrorism, and the principle of presumption of innocence was applied in all cases. Unfortunately, those suspected of terrorism were tried as adults but certain guarantees were provided and the penalties and conditions of imprisonment were less severe than in the case of adults. She referred to the possibility of a governmental review of Decree Law No. 25,564 in due course.

40. Turning to Mr. Hammarberg's question regarding ILO conventions, she said in the conventions to which Peru was a party, there had been no mention of minimum ages for particular kinds of work. No separate provision had been made for building activity because it was deemed to have been included under the heading of industrial work in article 54 (b) of the Minors' and Adolescents' Code. Article 54 (c) of the Code concerning industrial fishing would also have to be expanded to include work in ports and in the shipping industry. In providing a legal framework for adolescent work, Peru felt that it was complying fully with the spirit of the ILO conventions inasmuch as it was protecting young people from harmful working conditions. Statistical data showed that there were some 730,000 children and adolescents working in Peru, especially in rural areas. The State was facing up to that reality by recognizing the right to work. As a result, the regulation whereby, for example, children under 16 could not attend evening school would have to be changed in cooperation with the Ministry of Education.

41. Mr HAMMARBERG, noting that Mrs Gonzales de Saenz had referred to a possible review of Decree Law No. 25,564, asked whether the Government had taken any specific action in that connection.

42. Mrs. GONZALES DE SAENZ (Peru) replied that although she had no authority to confirm that the Decree Law would be revised, she believed that her hopes were well-founded, given its minimal impact, the progress of pacification in the country and the controversy it had generated. She agreed that derogations from those rights were not permissible under any circumstances.

43. With regard to the reaction of the Government and civil society to the problem of displaced persons associated with the wave of violence, she said that there was no systematic government policy in that area as yet. Action by non-governmental organizations and other groups was somewhat random and uncoordinated but it was characterized by unwavering determination. The enforcement authority provided for in the Minors' and Adolescents' Code would have to formulate a policy on displaced persons in coordination with those bodies and with civil society. Although attempts were being made to improve the dire living conditions endured by the marginalized communities that had been created through migration from the mountains to the coast, expert assistance was desperately needed.

44. The CHAIRPERSON invited the members of the Committee to make their concluding remarks.

45. Mr. KOLOSOV said that he was gratified with the amount of information supplied by the delegation of Peru. The National Plan of Action for Children and the Minors' and Adolescents' Code were both very inspiring documents. It was to be hoped that the children of Peru would not have to wait too long for their implementation. He stressed the importance of coordination among all the bodies dealing with childhood in Peru. The education of parents so that they had a proper sense of responsibility towards their children was also vital. The quality of teaching and education in general would have to be vastly improved. Another area of concern was criminal liability.

46. He suggested that an interim report on progress in implementing the Convention should be submitted to the Committee in early 1995.

47. Mr. HAMMARBERG thanked the delegation for its patience and energy in preparing for the session and answering the questions. He suggested that Peru's initial report should either be rewritten incorporating the very extensive additional information supplied in the document prepared for the meeting or reissued with that document as an annex.

48. Given Peru's needs and its high ambitions for the future, he found its social spending too low and was worried about insufficient funding - 47 per cent - for the National Plan of Action for Children. The economic and social rights of children could not be compromised to that extent. The fact that one third of children were malnourished, for example, was a horrendous state of affairs. The Committee also wished to highlight the problem of disabled children. Better statistical data would allow more systematic programmes to cater for the disadvantaged.

49. Such poverty-related problems as prostitution and drug abuse were all related to the need for greater social justice for children. The needs of children in institutions had to be catered for, especially in a situation of economic crisis.

50. In conclusion, he expressed the hope that Decree Law No. 25,564 would be repealed.

51. Mrs. SANTOS PAIS congratulated the Peruvian delegation on the openness and spirit of cooperation which had prevailed throughout its discussions with the Committee. The amount of additional statistical detail and written information given on the Minors' and Adolescents' Code was particularly useful for the Committee. The additional written material might well be published as an addendum to Peru's original report, bearing in mind the requirement in the Convention that States parties should make their reports widely available in their own countries.

52. The Committee also encouraged all States parties to publish, in addition to their reports, the summary records which reflected their dialogue with the Committee and the Committee's concluding remarks.

53. The delegation's recognition of the need to increase the resources allocated to the social sector and to ensure that the principle of the best interests of the child was properly implemented had been heartening since both those areas caused concern and required fresh impetus. It was extremely important that children should be given priority: possibly the only way of bringing about changes in present-day Peru would be to establish programmes for children along with a specific allocation of resources. She reaffirmed her concern at the decrease in allocations for children in recent years. Children in institutions were always seriously affected by any economic or social crisis as they could so easily be forgotten. It was to be hoped that the decreasing number of children in institutions was an indication that for Peru institutionalization was a last resort solution and that effective alternative solutions were being found.

54. A further positive aspect of the dialogue had been the Peruvian delegation's recognition of the need to strengthen inter-agency cooperation. The Committee viewed coordination with governmental and non-governmental bodies as essential and welcomed the fact that the Minors' and Adolescents' Code reflected that concern.

55. The Committee had also noted the delegation's recognition of the difficulties in ensuring the registration of all children, especially of those displaced for economic reasons or through terrorism. Its recognition of the fact that when displaced children were undocumented they were all too likely to be suspected of involvement in terrorist activities was of particular importance.

56. The Committee had been encouraged by the delegation's concern about the lowering of the age of criminal responsibility to 15 in cases of terrorism when, according to the Convention, the age of criminal responsibility should be raised. It was encouraging to hear that the legislation governing those children might be reviewed, but she nevertheless continued to be concerned about the drastic decrease in safeguards for children suspected of as well as those convicted of terrorism. In conformity with the Convention, the legal framework needed to be revised so that, inter alia, the special legislation adopted in the Code would apply to all children, even in cases involving terrorism, special judges, lawyers and the children's attorney would act in

such cases, any child would be ensured prompt access to a lawyer, there would be a prompt decision on the legality of deprivation of liberty, and the remedy of habeas corpus would be available. All those facilities were in line with the Convention, yet it was doubtful whether there was as yet full compatibility between the Convention and the special legislation applicable to young persons between 15 and 18 years of age in Peru.

57. One way of changing the situation might be for the principle of the best interests of the child to be formally incorporated into the Constitution. She hoped that there was still time before the forthcoming referendum for the message to be put across to the Government to enable the necessary changes to take place.

58. Mrs. EUFEMIO emphasized the usefulness in the future preparation of statistics within the framework of the National Plan of Action for Children, of an additional column indicating the degree of success achieved in attaining targets. Information on civil rights and the family or alternative care might also usefully be included, together with information on children in especially difficult circumstances. It was particularly important to disaggregate the figures for different target groups such as working children and delinquent children, so that their situation could be monitored more easily. Attention to details such as those would enhance future reports.

59. Miss MASON endorsed the Peruvian delegation's own admission that Peru would have to amend and fully implement the Minors' and Adolescents' Code if conditions were to improve. There was clearly every indication of a desire for change, judging from the number of programmes and measures already initiated, and the Committee would look forward to assessing the results in five years' time. She did not share the view that an interim report within two years was necessary.

60. Peru's original report had been complemented satisfactorily by the very thorough written replies to the list of issues and further explanations. Her concern throughout, however, had been for the best interests of the child in relation to his right to a family. In that connection Peru needed to think seriously about its over-reliance on the mother and her seemingly sole responsibility for the child, and to try to ameliorate the system which allowed the father's absence to be taken almost as a right and which also allowed his rights to be suspended as a result of his conduct. There should be other methods and measures in force to ensure that he did not renege on his responsibilities, particularly financial ones and that his right to society with his children should only be suspended in exceptional circumstances.

61. Mgr. BAMBAREN DE GASTELUMENDI emphasized that the acute economic crisis in Peru had curbed many programmes and good intentions. Children would continue to be the victims of that crisis unless the Government and other bodies gave due priority to the principle of the best interests of the child. The wave of terrorism had already resulted in over 25,000 fatalities, produced many thousands of orphans and displaced persons, and caused billions of dollars-worth of material damage. Some six million children under the age of 14 were now affected by poverty and some five million belonged to families whose daily income was half a dollar. He therefore urged the delegation to see to it that the same effort which had earlier gone into achieving peace

should now be made to combat poverty and allow the child his inherent right to life. To that end, children's programmes and projects, particularly those concerning children in especially difficult circumstances, should be placed high on the list of priorities. He also urged international organizations to show a greater understanding of the twin problems of poverty and terrorism and the resulting inability of the country to meet the requirements of the international monetary system and payment of external debt and at the same time cope with all the social challenges before it.

62. The new organizations which had worked so enthusiastically should now seek the cooperation of the churches and NGOs whose support would enable them to continue their momentum.

63. The CHAIRPERSON said that children constituted the group most vulnerable to the scourges of poverty and terrorism; the Committee therefore had a responsibility to ensure that they were given priority in the allocation of resources and were guaranteed social justice.

64. She felt that the Committee had underscored the positive aspects of the delegation's presentation, the efforts made to provide the requisite information and the importance of the new Minors' and Adolescents' Code. It had also made criticisms when necessary.

65. She noted the proposal that, in view of the dearth of information in the report, the written material provided in response to the list of issues should either be incorporated into the original report or annexed to it.

66. Mrs. BARRANTES TAKATA (Peru) said that the list of issues had shown that there was a range of subjects which needed to be addressed and which had not been within the competence of those who had prepared the National Plan of Action for Children; a focal group had had to be set up at short notice for that purpose. The Special Committee continued in existence and now had a legal framework which imposed certain responsibilities and also some degree of authority. It was to be hoped that the problem of institutional coordination would be resolved now that the lead welfare agency had been established. There were also hopes of a serious commitment to maximize efforts and achieve objectives. The Special Committee was aware of the formidable task facing it. Having interviewed different authorities, specialists and ministers in the process of gathering the information required by the Committee on the Rights of the Child, it now had many useful contacts on which it could draw in order to help it to tackle the many problems. One problem which had not been raised with the Committee was that of the children employed in gold mines; the Special Committee was committed to achieving results in that connection.

67. The Special Committee was also committed to publishing the additional written information at the national level along with the original report. A nationwide debate would also be held which would help to unite forces in tackling the problems.

68. Mrs. Eufemio's suggestion that there should be an additional column indicating the success achieved in attaining targets was a good one. Some information would be available shortly and would enable early warnings to be given to the decision-makers regarding the progress or the lack of

progress. The Special Committee was aware that it had a responsibility for almost 10 million young people under the age of 18, who made up almost half the population of the country and it was equally aware of the need to be able to revise and review its social policies as necessary.

69. Her delegation hoped to be able to maintain a relationship with the Committee and to continue to learn from it. It was particularly interested in obtaining the technical cooperation which the Committee had mentioned in its list of issues and wondered whether that could be arranged through the Committee.

70. Mrs. GONZALEZ DE SAENZ (Peru) said that the Peruvian delegation was grateful for the Committee's valuable comments and criticism, which would contribute to the work being done in Peru to achieve the best interests of the child. The delegation would report the concerns expressed to the Peruvian Government and intended to spare no effort until the Government fully complied with the commitments which it had assumed. In that connection it should not be forgotten that the first act by President Fujimori had been to make a commitment to the children of Peru.

71. The delegation would also convey the concerns expressed by the Committee to the Government in the hope that the provisions of the Minors' and Adolescents' Code would be incorporated into the new draft constitution.

72. She expressed the hope that the additional information supplied by her delegation had convincingly demonstrated the efforts being made in Peru to comply with the Convention, despite the social problems of violence and poverty.

73. Mrs. NINAMANGO DE YOSHIMOTO (Peru) thanked the Committee on behalf of the Government of Peru and reaffirmed Peru's intention to comply with the Convention.

74. The delegation appreciated the Committee's concern about the lack of resources for financing the National Plan of Action for Children. Although efforts were being made by the Government to obtain external financing, 47 per cent of the programme still had to be funded.

75. It also appreciated the importance of the participation of the whole population in solving the social and economic problems. In conclusion, it hoped that every effort would be made to comply with the suggestions of the Committee.

76. Mr. HAMMARBERG said that the Committee would have liked the United Nations to publish the reports and records of the meeting with the Peruvian delegation, as well as the concluding observations by the Committee; regrettably funds were not available. It was therefore extremely gratifying that the Peruvian delegation intended to print the report and annex. The Committee would have no objection to the inclusion of its concluding observations in the publication so that the public in Peru would become acquainted with the discussions and the main points which had arisen.

77. The CHAIRPERSON expressed the hope that the delegation could respond positively to that request.

78. Mr. KOLOSOV reiterated his earlier suggestion that information on developments in Peru in the coming year be reported to the Committee in time for consideration at its January 1995 session.

79. The CHAIRPERSON said that, if there was no objection, she would take it that the Committee wished to have a report from the Peruvian authorities on any developments which had taken place in 1994 sent to the Secretariat by the end of that year.

80. It was so decided.

81. In conclusion, the CHAIRPERSON, on behalf of the Committee, thanked the Peruvian delegation for its cooperation and efforts, and expressed its appreciation of the constructive dialogue that had taken place.

The meeting rose at 6 p.m.